

REMARKS

In general the claims in the Gagne patent, US Patent # 1342951, Collapsible Swivel Joint, differ from the claims in the patent application, High Strength Detachable Cylinder-To-Plate Joint for Tables, Furniture, and other Static Structures, Pat. App. Ser. # 09/970,350, in that all 3 claims made by Gagne describe a table leg that can be detached and screwed at right angles into the post it was detached from. In addition every one of the claims in the Gagne patent describe a post that swivels when attached to the bottom of the table or tub in order to better arrange the table legs repositioned at 90 degrees. This is far from the purpose of the applicant's patent claims which is a detachable compact high strength joint for table legs and other structures.

In the office action dated 9/29/04, the examiner writes:

"Claims 1-2 and 16 are rejected under U.S.C. 102(b) as being anticipated by Gagne U.S. Patent 1,342,951. Gagne shows all of the claimed subject matter of a high strength detachable cylinder-to-plate joint in Figures 1-5.

Regarding claim 1, the joint comprising: a base plate 37; a connecting disk 40 having an exterior threaded surface and one or more holes (for bolt 20) within the radial body of the disk 40 for receiving attachment means 89 (39) for attaching the disk 40 to the plate 37; a cylinder 38 having annular end with an abutment surface; and a threaded connection for detachably attaching an annular end to the connecting disk 40 so that the abutment surface abuts the base plate 37.

Regarding claim 2, the base plate 37 comprises a table top and the cylinder comprises a table leg.

Regarding claim 16, pins 36 for limiting rotation of the connecting disk 40 (through the threaded connection on 37)."

The previous description in quotations is known as reading the applicant's patent onto a prior patent. In this description, the applicant's claim descriptions, ie base plate, connecting disk, etc., are placed next to the prior patent's numbers used to describe the prior patent's drawings. In this way it can be seen if the current application's claims can be read onto the previous patent. That is, it can be seen if the current applicant's claims are analogous to or identical to the invention described in the previous patent and/or if the parts in the claims serve the same functions as in the previous patent that the claims are read onto. If it can then the application can be rejected as being anticipated by that previous patent.

1. In the Gagne patent the connecting disk 40 is similar but it goes thru the base plate 37 and does not connect to the base plate 37 but is retained by it and allowed to rotate within it. This is not the case with the current application's claims. The applicant's claims describe a connecting disk that butts up against a base plate and is firmly attached to it with the attachment means preventing rotation or any movement.
2. Also, although it appears to be, there is no mention in the three claims or the description of the Gagne patent that the cylinder 38 is screwed onto the connecting disk 40 as it is in the applicant's patent claims. In fact, screwing on the cylinder or post 38 would go contrary to the purpose of the so called connecting disk 40 in the Gagne patent by preventing the disk 40 from rotating when the cylinder 38 is tightened as it would be in

the current application. In fact the only described way in the Gagne patent in which the connecting disk 40 is attached to the cylinder is that it is pinned (pg 2, line 38 of the Gagne patent "within the upper portion of this hole is pinned a plug 40 which is provided a flange 41"), which is consistent with a rotating connection. The threads in the cylinder are exclusively to connect the lower part of the leg 27 and 32 to the cylinder. In the applicant's claims, the threaded cylinder is screwed tightly onto the connecting disk in order to firmly hold onto the connecting disk and abut the base plate with no rotation or swivel action intended. In this way all three of Gagne's patent claims are unlike the claims of the applicant's since all three claim a swivel connection.

These two points prevent the Gagne patent from being read onto the applicant's patent.

As to the other prior art made of record by the Examiner it seems that the Collins patent is closest to the applicant's invention. However with the first claim amended as specified by the examiner to "two or more holes within the radial body of the disk extending completely through the radial body for receiving means for attaching the disk to the plate; ... wherein the attachment means are interiorly received by the cylinder..." it seems the Collins patent could not be read onto the applicant's amended claims either since the Collins patent shows and claims a single attachment means within an externally threaded cylinder "including a plate" to "rotatably" attach it to an external structure.

Current claim changes were not presented before because applicant thought that first amendment would be enough to make the claims allowable.

In light of these arguments, the applicant respectfully requests that the examiner allow the applicant's amended first claim, the second and 16th claims which are dependent upon the first claim and all the rest of the claims which ultimately depend on the first claim, as agreed to in the applicant's telephone conversation with the examiner of 10/26/04 at 1:00 PM EST.

Any additional assistance examiner can offer in regard to getting these patent claims allowed would be appreciated.

Respectfully submitted,
Michel Lewis Cabiran
Michel Lewis Cabiran
4111 Placid Stream Ct.
Houston, TX 77059
Ph: 281-286-0861
Fx: 281-461-9007

Certificate of Mailing

I hereby certify that this correspondence will be deposited with the United States Postal Service by First Class, Priority, Overnight Mail, postage prepaid, in an envelope addressed to "Box AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below.

Date: 11/3/04 Inventor's Signature: *Michel Lewis Cabiran*